

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Stephen C. Ballard,

Civil No. 09-679 (PAM/JSM)

Plaintiff,

v.

ORDER

Carol Holinka,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Janie S. Mayeron dated January 5, 2011, which addressed Defendant’s Motion to Dismiss for Failure to State a Claim, or for Failure to Prosecute, or for Summary Judgment. In the R&R, Magistrate Judge Mayeron recommended that Defendant’s Motion be granted in part, insofar as it seeks dismissal for failure to prosecute, and denied in part as moot, insofar as it seeks dismissal for failure to state a claim, or for summary judgment.

According to statute, the Court must conduct a de novo review of any portion of the Magistrate Judge’s opinion to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Plaintiff has failed to file objections to the R&R in the time period permitted, and the Court adopts the R&R in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Docket No. 39) is **ADOPTED**;
2. Defendant's Motion (Docket No. 32) is **GRANTED in part** and **DENIED in part as moot**; and
3. This action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Friday, January 21, 2011

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge